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**Electoral Wards Affected: Holme Valley South**

Yes

Ward Members consulted

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***RECOMMENDATION:***

DELEGATE approval of this application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement that could include the following contributions (subject to viability-details that will be included within a confidential paper).

Public Open Space contribution and future maintenance  
Affordable Housing

In the circumstances where the Section 106 agreement has not been submitted within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether planning permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

**1.0 INTRODUCTION:**

- 1.1 This application is intrinsically linked to planning application 2017/93609 (erection of 4 dwellings) as both schemes form part of the same comprehensive scheme for the site.
- 1.2 Outline planning permission was granted in 2014 for residential development which included details of access located approximately half way down Stoney Bank Lane (2014/93248). The reserved matters application (2017/93053) was submitted and included land which fell just outside the red-line boundary of the outline planning permission; this particularly affected the rear garden of 4no plots located in the south west corner of the site. Consequently, the applicant revised the red-line boundary of the reserved matters (2017/93053) in order to ensure it was consistent with the outline planning consent. A separate, full planning application was submitted for the 4no dwellings in the south western corner of the site (2017/93609).
- 1.3 Whilst the two planning applications are separate, to all intents and purposes they form the same scheme. However, as planning application 2017/93248 is a full separate planning application it is assessed under a separate report which is also on this committee agenda.

- 1.4 The application is presented to Strategic Planning Committee at the request of Councillor Patrick on the basis of the materials proposed and the density of development.
- 1.5 Outline planning permission was granted in 2014 for residential development which included details of access located approximately half way down Stoney Bank Lane. The current application is intended to deal with the outstanding 'Reserved Matters' – appearance, landscaping, layout and scale.
- 1.6 The following matters were secured by the S106 Agreement as part of the outline consent:
  - *A sum of £50,000 towards traffic calming on Springwood Road, Thongsbridge.*
  - *A sum of £24,750 towards the cost of New Mill junction improvements.*
  - *A sum of £15,716.80 towards the provision of metrocards (based on 52 units).*

Conditions 5, 6 and 7 of this outline planning permission required arrangements for the provision of public open space, affordable housing, and education respectively to be submitted to and approved in writing with the local planning authority before development commenced on site. These matters are to be agreed through a 'discharge of condition' process rather than the approval of reserved matters, which has already been submitted (2017/94225). A summary will be provided to Strategic Planning Committee within the committee update setting out the viability position of the scheme and how this affects the proposed materials and S106 requirements. This is because at the time of writing the council's independent assessors had not concluded its advice. Some details are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an elongated parcel of sloping land. As the crow flies the site lies 1.5km to the north of Holmfirth and 1.3km to the west of New Mill. The site is bounded on the east by Stoney Bank Lane which connects to Stoney Bank Road. At the bottom of Stoney Bank Lane and to the north of the site the road forks into two cul-de-sacs which are surrounded by approximately 20 dwellings.
- 2.2 The site occupies an area of approximately 2.4 hectares and is currently in pastoral use. The site generally slopes from south west to north east. At the top of the slope and immediately adjacent to the site lies the Old Tankhouse (dwelling) which is accessed off Stoney Bank Road. Cobley Green (dwelling), also accessed off Stoney Bank Road, bounds the south western boundary of the site. The rear gardens associated with dwellings off Old Mill Lane adjoin the eastern boundary. There are further dwellings off Stoney Bank Road opposite the application site.
- 2.3 Within the north eastern portion of the site boundary the land is occupied by a woodland area. Beyond this and bounding the site lies New Mill Dyke. There are a number of protected trees just beyond the north western boundary of the site which provide significant screening of the site when viewed from the west.

2.4 The site is fronted by a dry stone wall and fields within the site are divided by dilapidated dry stone walls and fencing. There are a small number of trees within the site, most notably three Sycamores located adjacent to Stoney Bank Road.

2.5 Stoney Bank Lane also comprises a Public Right of Way (PROW).

### **3.0 PROPOSAL:**

3.1 The application comprises a reserved matters submission comprising the erection of 48 dwellings in total. The following mix is proposed:

- 33no. 4 bedroom houses
- 11no. 3 bedroom houses
- 4no. 2 bedroom houses

3.2 Car parking is proposed within curtilage comprising both driveway and garage parking.

3.3 The scheme has been designed with a main internal spine road and a single point of access off Stoney Bank Lane. The properties fronting Stoney Bank Lane would be accessed via private driveways off the Lane. There would be a separate access off Stoney Bank Road comprising a shared driveway serving 3 properties.

3.4 The existing dry stone wall fronting Stoney Bank Lane would be reinstated where it fronts the application site and would wrap around the proposed access.

3.5 Within the north eastern portion of the site is an area of woodland which would be retained. The woodland would be thinned and managed and a pathway created within the woodland in order to create an area of public open space.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 2014/93248 – Outline application for residential development – approved subject to conditions and S106 Agreement on 10<sup>th</sup> November 2014.

2017/93609 - Erection of 4 dwellings and change of use of land as domestic garden area and areas of public open space

2017/94225 –Discharge of conditions 1-25 on Outline Consent 2014/93248 received on 12/12/17.

### **5.0 HISTORY OF NEGOTIATIONS**

5.1 The application has undergone extensive pre-application and amendments have also been sought during the course of the planning application. The scheme has been amended as follows:

- Alterations to the layout and repositioning of plots/garages closest to the property at the southern end of the site.
- Natural stone and slate introduced to all properties fronting Stoney Bank Lane.

- Alterations to some of the house types to architectural elements consistent with the locality.
- Amendments to landscaping proposal.

## **6.0 PLANNING POLICY:**

- 6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004). The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination In Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Local Plan process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D5 - Provisional Open Land  
 H1 - Housing Need  
 H10/12 - Affordable Housing  
 H18 - Provision of Open Space  
 BE1/2 - Design and the Built Environment  
 BE11 - Building Materials – Natural Stone in Rural Area  
 BE12 - New dwellings providing privacy and open space  
 BE23 - Crime Prevention Measures  
 EP10 - Energy Efficiency  
 EP11 - Landscaping  
 T1 - Sustainable Transport Strategy  
 T10 - Highways Safety / Environmental Problems  
 T16 - Pedestrian Routes  
 T19 - Off Street Parking  
 G6 - Contaminated Land  
 NE9 - Trees

### Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development  
 PLP7 – Efficient and effective use of land and buildings  
 PLP11 – Housing Mix and Affordable Housing  
 PLP20 – Sustainable Travel  
 PLP21 – Highway safety and access  
 PLP22 – Parking  
 PLP24 – Design  
 PLP27 – Flood Risk

PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP32 – Landscape  
PLP35 – Historic Environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP61 – Urban Green Space  
PLP62 – Local Green Space  
PLP63 – New Open Space

## 6.2 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
  
- Planning Practice Guidance

Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development and a Departure from the Development Plan. Amended plans have also been re-advertised. A total of 15 objections have been received, summarised as follows. These comments are addressed in the remainder of this report unless otherwise stated:

- Many cars on Stoney Bank Lane already and additional impact from development.
- Too much traffic in the local area already especially New Mill crossroads.

*Officer response: This application concerns reserved matters. Principle matters concerning traffic generation were assessed as part of the outline application (2014/93248) and members resolved to grant planning permission subject to conditions.*

- Impact of construction traffic due to mud and impact on safety of school children.

*Officer response: This application concerns reserved matters. Condition no 25 of the outline planning permission (2014/93248) requires a scheme for construction traffic and management.*

- *Objection from Old Tank House* - The gable end of plot 13 being 3 storey would tower above the house and garden of the Old Tank House. This house will completely overshadow the garden and in particular the patio of the Old Tank House. The patio area of the Old Tank House would be overshadowed. A proposal to obtain a small area of land at the top end of plot 13 so that an alternative patio can be created has been rejected by Redrow Homes on the grounds that Kirklees Council has stipulated the size of garden Plot 13 has to have. Could this be looked into please so that under consideration of the 'neighbours' amenity', a compromise may be made.
- A tank will be used to store the runoff water when it rains and then gradually feed this into New Mill Dyke. Does the tank size take into account the amount of water which runs into the current field from the current properties in the Stoney Bank Road and Springwood Road area? The water from these areas, which the field currently absorbs, will have to go somewhere. It is conceivable, therefore, that the tank will not be able to cope with the sheer volume of water. This would pose a serious flood risk to the current properties in Old Mill Lane and Stoney Bank Lane, especially those living at the bottom of the lane. Once a property has been flooded, home owners have to declare this to their insurance companies as well as potential buyers when selling their home.

*Officer response: There are a suite of planning conditions attached to the outline planning permission requiring the submission of drainage details. Any scheme in terms of the tanking of surface water run-off will be designed to accommodate storms up to and including 1 in 100 year + 30% allowance for climate change.*

- The proposed Highways within the boundaries of the proposed scheme is also considered unsuitable, primarily due to steep gradients which contravenes the Highways Guidance notes on Gradients. The main carriageway within the development is parallel to Stoney Bank Lane and therefore is the same gradient i.e. approximately 1 in 7 or 13%. The proposed highway should generally travel across perpendicular to the gradient to minimise the steepness in line with the guidance notes. It is not unreasonable that 'shallower' more safer gradients can still be achieved on this scheme which may travel 'more' across the gradient rather than perpendicular to it.

*Officer response: Highways DM have been consulted. They raise no issues with the levels providing that the main road running through the site includes adequate footway provision for pedestrians. Consequently, the scheme has been amended in order to accommodate this requirement.*

- Types of housing could be improved which would improve the scale and density.
- The proposed heights of the ridge lines would exceed that our neighbouring properties and would overpower them. As discussed the ridge height information noted on the drawings appears incorrect or missing which you mentioned that KMC would address, especially considering the 'Old Tankhouse' and 'Cobley Green' properties.

*Officer response: The applicant has clarified the levels and amended cross-sections have been submitted to demonstrate the proposed levels and impact on the amenity of the area.*

- There has already been a recently completed major housing scheme the same housing types just around the corner less than a third of a mile away.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

- A public bridleway through the scheme would improve density including more green space and more trees within the development and keeping with the natural environment which already exists.

*Officer response: There is no requirement for a bridleway. Pedestrian links have been considered. The site is steeply sloping and therefore, incorporating appropriate bridleway links would prove challenging. The scheme proposes a large area of POS at the bottom of the slope within the area of the existing woodland.*

- The proposed artificial materials are cheap and inappropriate for the surrounding area. Nearly all local properties have natural stone walling with a combination of slate and tiled roofs. A mock Tudor type house was proposed at the public consultation event but unsure whether this still applies to this application which we consider to be inappropriate.
- A drainage strategy should be submitted on the basis that there is an existing watercourse in the immediate vicinity of the site and whether capacity for the surface but primarily the foul is adequate to accommodate the proposed scale of the development. High rainfall on Stoney Bank Road drainage already cannot accommodate the amount and velocity of rainfall which subsequently results in the rainwater travelling down Stoney Bank Road onto Stoney Lane.
- The site was designated as Provisional Open Land on the Local Development Plan, is a Wild Life Corridor and has a Public Right of Way. The current productive use of the land as grazing pasture for the raising of sheep is the perfect protection for the Local Plan's designations.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

- The surrounding existing properties are in general built of natural local stone and this should be a requirement of the proposed scheme. The proposed house types (3/4 bed) have already been over supplied to the area given the number recent scheme approvals and completions.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

- *Objection from Cobley Green* - The indicative layout plan submitted with the Outline planning application (2014/93248) showed 3 dwellings along the southern boundary of the site, the boundary shared with Cobley Green. Proposed dwellings along this boundary have all been designed to be 3 storeys in height. Although the levels drop down away from Cobley Green, the rear windows in the proposed dwellings along this boundary (particularly plots 18-21), have the potential to overlook the outside amenity space of Cobley Green. As such, the amount of privacy currently enjoyed by the occupier of Cobley Green would be severely reduced. Dwellings along this boundary would lead to an increase in noise levels and general disturbance in this part of the site due to the higher numbers of people living in and visiting these properties.
- A less dense layout with fewer properties would be more in keeping with the character and appearance of the area. Two storey properties would also be preferable as this would reduce the overall scale and massing of the development, and again would help to retain the local distinctiveness of this area.
- The covenant expressly explains that vans are not allowed to be parked overnight outside of someone's property along Old Mill Lane. Will the development have similar covenants? If so where are people who have a works van going to park them?
- When the development is completed where are the development guests going to park?

*Officer response: Parking has been assessed by Highways DM. No objections are raised and the proposal complies with the Council's parking standards.*

- Where is the third car from the properties within the development going to park?
- Are there going to be any covenants put on the land, for example not being able to use a property for business use? The traffic will increase even more if people are allowed to run businesses, such as childminding, from their properties.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

- During the building of the development how is it proposed that the lorries, HGV's, equipment and plant are going to access the site?
- Is the proposal that they enter the site via Stoney Bank Lane? If so how are they going to fit down the road as the road is used by the residents and guest of Old Mill Lane and Stoney Bank Lane?
- The lorries and HGV's entering the site during the building phase of the development, are they going to be banned from attempting to access the site from Kirk Bridge Lane?

*Officer response: This application concerns reserved matters. Condition no 25 of the outline planning permission (2014/93248) requires a scheme for construction traffic and management.*

- Are there any plans to widen and improve Kirk Bridge Lane and Stoney Bank Lane to cope with the additional traffic?
- Are there any plans to improve the junction of Kirk Bridge Lane and the A616?

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248 where highways issues were fully considered. The 'Planning Obligations and Developer Contributions' section of this report outlines the S106 contributions including those relating to highways impacts.*

- How will the residents of the new development exit the estate?
- Is there a plan to widen Stoney Bank Lane in order to cope with this massive increase in traffic?
- Are any provisions going to be put in place for the developer or the council to cover the cost of current home owners insurance when their property has been flooded due to the new development?

*Officer response: This is not a material planning consideration.*

- Will any provisions be put in place to cover the reduction in property value which will result from a flooding incident (which then has to be declared to potential buyers) when the resident of Old Mill Lane and Stoney Bank Lane would like to sell their property?

*Officer response: This is not a material planning consideration.*

- What is the compensation for residents for the disruption to their quality of life due to the air, noise and traffic impacts on them due to the building of this development?

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248 which addressed the potential for these impacts. The current reserved matters is considered acceptable in relation to the proximity of proposed dwellings to existing properties.*

- Does the proposed development plan to fell the trees at the back of the field?

*Officer response: There is no proposal to fell any of the existing TPO'd trees which lie to the rear of the site.*

- Why has no one looked at what planning applications have been submitted for the same very local area? Why has no one flagged that there is a potential issue as there are two other planning application in?

- What will the hours of work be for the building of the development? Are there any plans to carry out building work at weekends when current residents will be home?

Councillor Patrick raises the following objection:

- Cheap building materials. The site is highly visible from Brockholes/New Mill Road.

Councillor Sims raises the following objection:

- The agreement was for natural stone and this should be enforced.

Holme Valley Parish Council – Object to both applications for the same reasons. Highways and access issues, over-intensification and this is a greenfield site. Members are concerned at the narrow access road to be used by large amounts of traffic and safety of children in particular, using the access to reach the High School. Primary schools not easily accessible from this location and there are poor or non-existent footways, which would make it dangerous for children to walk to and from school.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Environment Agency – No objection providing no development in flood zones 2 and 3.

K.C Strategic Drainage - No objection subject to conditions.

K.C Highways – No objection subject to conditions.

### **8.2 Non-statutory:**

K.C Education – No objection. A contribution of £220,962 is required.

Police Architectural Liaison Officer – No objection but comment as follows: Rear garden boundaries, which need to offer sufficient protection against intrusion, where applicable, from adjacent open land. Side boundaries dividing house plots from each other, which need to be tall and substantial enough to provide both privacy and security. For example, closed boarded timber fencing should be provided to a minimum 1.5m in height, and include privacy screen (a section of higher fencing) of 1.8m in height projecting out from the building for about 2m, to provide a private amenity area adjacent to the home.

K.C Biodiversity Officer – No objection following the submission of amended plans.

Tree Officer - No objection to the proposal, although we do need to see an arboricultural method statement for the site to show how this development will be constructed while avoiding direct damage to the trees during the building phase. In addition we need to see a condition that requires further details about the exact level of tree removal which will be required to implement the new path and storm sewer. Along with a condition for a long term woodland management plan for the POS.

Yorkshire Water Services – No objection.

K.C Conservation and Design – Overall I am comfortable with the proposal and follows the advice at pre-app. I could raise an issue that the buildings do not turn the corners well, the insertion of one window hardly does this, but on balance this is a minor comment and not one that should be used for further amendments.

K.C Environmental Health – No objection.

K.C Landscape – Provision of POS within woodland incorporating accessible footpath etc. (DDA where possible) meets the requirements for POS provision of 30sq.m. per dwelling. For this number of dwellings, the POS provision should incorporate a LEAP which should include its own commuted sum. The existing woodland POS is not a suitable location for play provision so we would anticipate an off-site contribution in lieu of this being on site, this is in the region of £102,374.07.

## **9.0 MAIN ISSUES**

Principle of Development  
Impact on Character of Surrounding Area and Landscape  
Residential Amenity  
Highways and Traffic Implications  
Flood Risk and Drainage  
Ecological Issues  
Heritage Issues  
Planning Obligations and Developer Contributions  
Other Matters  
Conclusion

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.

- 10.2 The principle of development on this site has been established. In 2014 planning permission (2014/93248) was granted for residential development. At that time the number of dwellings was not set. However, the planning permission established that this site was acceptable for the provision of housing and this application seeks content for the matters reserved by that outline consent.

#### Impact on Character of Surrounding Area and Landscape

- 10.3 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.
- 10.4 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy BE11 of the UDP requires that new development should be constructed in natural stone of a similar colour and texture to that prevailing in the area. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.
- 10.5 The scheme has been designed with a central access point and main spine road which cuts across the existing field. Towards the rear of the site the proposed road runs north east to south west, parallel to Stoney Bank Lane. Larger detached properties are located at the entrance to the site and along the eastern boundary fronting Stoney Bank Lane. Most of the properties within the site are detached, with the exception of properties within the south western portion and a small cluster of properties to the north east.
- 10.6 The scheme predominantly comprises two storey dwellings across the site. Properties within the south western portion are a mix of three storey and split level units.
- 10.7 The design of individual properties has been amended to include fenestration detailing more in keeping with the locality. The properties fronting Stoney Bank Lane include driveway surfacing of an ochre coloured block paving, each of which would be accessed off Stoney Bank Lane. Landscaping is proposed in the gardens of most properties throughout the site.
- 10.8 In terms of building materials, planning policy BE11 of the UDP requires natural stone to be provided in areas where natural stone and slate is the predominant material of construction. Within the local area, with the odd exception, natural stone is the main facing material of existing dwellings and consequently, there is considered to be a requirement to provide natural stone as part of this proposal. In this case, whilst the applicant is willing to provide natural stone, this may be at the expense of a required affordable housing contribution. Further detail is provided in the viability section of this report however, some details are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

- 10.9 The design of dwellings is considered to reflect local vernacular and the properties facing Stoney Bank Lane would be more spacious and generally more reflective of the looser mix of building styles and plot sizes along Stoney Bank Road. Within the development the scheme is more regimented and the plot density increases. However, the density would be less than existing properties further down the slope either side of Old Mill Lane. The existing woodland to the west of the site provides a significant element of containment which would reduce significant views of the site from the west ensuring mainly short distance views. The site would be visible from various viewpoints on the opposing valley slope, particularly from higher ground. Three storey dwellings would be positioned on the upper slopes of the site; the overall impact being reduced by the continuing rise in the slope of the site.
- 10.10 As detailed above, there are number of features incorporated into the development in order to ensure it sits more comfortably within its surroundings. However, the plot density and nature of development means that inevitably it would appear as an urban form. Across the site the development achieves approximately 26 dwellings per hectare (excluding the POS) which is lower than the minimum of 35 dwellings per hectare advocated by policy PLP7 of the PDLP. However, in this case, the reduction in density is considered to represent an acceptable response to the character of the surrounding area. The proposal makes efficient use of the land when balanced against the need to ensure high quality design.
- 10.11 Overall it is not considered that the layout, design and external appearance of the development would cause unacceptable harm to the character and appearance of the surrounding area. The comprehensive scheme which includes 4 additional dwellings, being considered under planning application 2014/93248, would harmonise with the current proposal.

#### Residential Amenity

- 10.12 Para 123 of the NPPF indicates that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.
- 10.13 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.
- 10.14 A number of the proposed dwellings lie in close proximity of properties in the local area.

#### *Impact on the Old Tank House (dwelling)*

- 10.15 The scheme has been amended in order to reduce the impact on the Old Tank House. The nearest proposed dwelling (plot no. 1) has been moved approximately 2.7m further away from the Old Tank House with the proposed detached garage 2.5m further away.

10.16 The Old Tank House sits on a higher level than the application site and the outlook from a number of the windows look directly out over the application site. The scheme has been designed so that plot 1 application is situated at an oblique angle to the Old Tank House. The proposed garage would be positioned in front of the garden and windows associated with the Old Tank House. However, the garage and dwelling would sit on a level approximately 2m lower than the existing dwelling. The proposed detached garage would be 12.8m away from the existing dwelling and 6.8m from the boundary. There would be a strip of land between the dwelling/garage and the garden of the Old Tank House which would be free from development and would be an area of amenity space. The proposed plot no1 lies 10m from the boundary of the Old Tank House garden with only the gable end of this property facing the garden. The Old Tank House also faces plot no13, the gable end of which faces the existing dwelling and garden area. This dwelling is positioned over 6m from the boundary of the Old Tank House and over 12m from the two storey element of the existing dwelling and would sit at a level approximately 3m lower. On all counts, the proposed development is in excess of the standards set out in the UDP.

*Impact on Cobley Green (dwelling)*

10.17 The site adjoins the garden of Cobley Green to the south, the garden of which runs parallel to the rear boundary of proposed plots 13-17 (dwelling no's 18-21 are being considered under application 2017/93609). Cobley Green is accessed off Stoney Bank Road but it will be set back from the road. It is set within a large plot. The land currently falls away from Cobley Green into the site.

10.18 In plan form the proximity of the three storey dwellings in relation to the garden of Cobley Green has the potential for adverse effects. However, there are mitigating circumstances in this case. The proposed development involves reducing the land levels within the site by approximately 3-4m. Each of the proposed dwellings would be set approximately 4m lower than the garden area of Cobley Green. Consequently, each of the three storey houses would be set approximately 5m lower than the floor level of the existing dwelling at Cobley Green. Therefore, despite each dwelling being 3 storeys in height, the second storey windows would generally face the upper slope of the garden associated with Cobley Green and each dwelling would have a stepped garden and a retaining wall approximately 2m in height where it meets the garden of Cobley Green. The ridge height of the proposed dwellings would be slightly lower than the existing ridge height associated with Cobley Green. It would not be apparent from Cobley Green that the closest dwellings were 3 storeys in height given the significant level differences involved.

10.19 Each of the proposed dwellings would be at least 11.5m from the garden of Cobley Green. The gable end of Cobley Green would be between 17.5m and 19m from proposed dwellings. The main habitable room windows would be in excess of 30m from the nearest dwelling.

### *Impact on other properties*

- 10.20 There are four terraced properties which would face no 1a Stoney Bank Lane at a distance of approximately 15.5m from the existing rear yard and at a level approximately 1.5m to 2m higher. Therefore, in this case, there would be no unacceptable overlooking of the outdoor amenity area associated with no 1a Stoney Bank Lane as it is considered to meet the spacing standards set out in policy BE12.
- 10.21 All other properties within the proposed development are considered to be sufficient distance from existing properties and gardens so as to comply with the standards set out in policy BE12 of the UDP.
- 10.22 A number of existing properties close to the application site would see a change of outlook and the scheme would alter views currently experienced from their respective property. However, it is an established principle of planning law that there is no right to a view over third party land. The application is considered to ensure that existing occupiers retain sufficient standards of residential amenity. Consequently the application is considered to comply with policy BE12 of the UDP, PDLP policy PLP24 and a core planning principle of the NPPF in this respect.

### *Impact on future occupiers*

- 10.25 The development is considered to provide sufficient space between proposed dwellings and sufficient amenity areas for future occupiers. Garden lengths are at least 10m in length with the majority being over 10.5m.
- 10.26 There are a number of TPO'd trees beyond the western boundary of the site. These trees have the potential to cause shadowing effects for future occupiers of those gardens facing the trees. However, it does not appear that any overshadowing would be significant over a prolonged period. The gardens along this boundary are at least 18m long and this would reduce the effects of any potential overshadowing from tree canopies.

### Highways and Traffic Implications

- 10.27 Highways matters were fully considered at outline stage (2014/93248) and this included the point of access. Therefore, whilst it is acknowledged that there are a number of objections relating to impacts on the surrounding highway network, the reserved matters application does not allow the original decision to be reconsidered.
- 10.28 In respect of the internal layout, the proposal complies with the Council's parking standards. This means that each four bedroom dwelling and above includes 3 parking spaces per dwelling. Some of the parking is accommodated by integral garages and whilst the proposed garages are 5.76m x 2.86m as opposed to 6m x 3m; on balance the slight deviation from standards is considered acceptable in this case.
- 10.29 The proposed internal access road runs generally west to east before routing north to south along the rear of the site. The site slopes steeply generally north to south and therefore, the internal road would be relatively steep sloping running on a similar gradient to Stoney Bank Lane. Highways DM have assessed this element of the proposal and due to the sloping nature

have requested that footways are provided on either side of the road. These have been provided by the applicant. No objections are raised from Highways DM subject to conditions.

### Flood Risk and Drainage

- 10.30 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.
- 10.31 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water. Most of the site lies in Flood Zone 1, although an area to the north is located in Flood Zones 2 and 3.
- 10.32 The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:
- 1 – into the ground (infiltration)
  - 2 – to a surface water body
  - 3 – to a surface water sewer, highway drain, or another drainage system
  - 4 – to a combined sewer
- 10.33 As part of the outline planning application, consideration was given to the use of soakaways. However, due primarily to the significantly sloping nature of the site, it was concluded that connecting to a watercourse would be the most suitable option.
- 10.34 Drainage for the application has been designed with an underground storage tank within the site in order that the development can accommodate all storms up to and including 1 in 100 year + 30% allowance for climate change. Surface water would be released into the New Mill Dyke via the existing woodland area at a restricted flow rate of 10.2 l/sec.
- 10.35 The drainage officer has assessed the proposal and raises no objections subject to conditions requiring full details of drainage and the final route of the of the drainage to be agreed.

### Ecological Issues

- 10.36 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 10.37 The outline planning permission (2014/93248) includes a condition requiring the submission of details relating to biodiversity mitigation/enhancement. This will be discharged separately. However, the layout and landscaping of the scheme is a key component in determining likely ecological effects.

- 10.38 Beyond the western boundary of the site lies a TPO'd area. There is an extensive area of woodland to the North West which includes TPO'd trees. This area is identified as part of the Kirklees Wildlife Habitat Network but falls outside the application site. New Mill Dike lies beyond the northern boundary of the site and has obvious ecological value. There is no proposal to remove any of the TPO'd trees which lie beyond the rear of the site.
- 10.39 The current scheme, which includes details of layout and landscaping, is considered acceptable. There is a large area of POS proposed to the north which is an extensive area of woodland. The applicant proposes the thinning of this woodland area and biodiversity enhancements. Overall, there are no objections to the proposed development from an ecological perspective.

#### Heritage Issues

- 10.40 Section 66 (1) of the Listed Buildings Act states "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Para's 126-141 of the NPPF are relevant to the determination of applications affecting heritage assets. No heritage impacts were considered as part of the outline proposals and it follows that the reserved matters would not result in adverse effects.

#### Planning Obligations and Developer Contributions

- 10.41 In accordance with para 204 of the NPPF planning obligations should only be sought where they meet the following three tests:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

- 10.42 Members should note that any calculations below and where necessary are based on the combination of planning application 2017/90353 and 2017/93609 (i.e. 52 dwellings)

#### *Education Provision*

- 10.43 Based on the latest calculations, a total of £220,962 required split between Kirkroyds Infant School Wooldale Junior School and Holmfirth High School. This is a requirement of planning condition no7 of the outline planning permission.

#### *Public Open Space*

- 10.44 Policy H18 of the UDP requires 30sqm of Public Open Space (POS) per dwelling on development sites in excess of 0.4 hectares. An area of land to the north of the site covering approximately 4500m<sup>2</sup> would be set out as an area of POS. This is well in excess of the 1500m<sup>2</sup> required by planning policy. As this area already forms a natural area of woodland, close to the river and unsuitable for housing, it is logical to utilise this space for POS.

10.45 The basis of the proposed POS is to maintain it as an area of managed woodland and include a formal footpath on the upper slopes of the POS, with a less formal route being located lower down the POS area. However, there is no formal play equipment within the scheme. The applicant has been notified that the scheme would be required to make a contribution of £102,374.07 towards a LEAP unless some on-site natural play or other play equipment was provided in order to reduce or negate the required contribution. A full update will be provided to committee.

10.46 It is noted that the site lies on the edge of an existing settlement and there are footpaths and routes into the open countryside. In accordance with para 73 of the NPPF, the scheme provides access to high quality open spaces which can make an important contribution to the health and well-being of communities.

#### *Affordable Housing*

10.47 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. Planning condition 6 attached to the outline planning permission secures this but as detailed above, affordable housing is being considered as part of the applicant's viability submission.

#### *Local Transport Infrastructure Mitigation and Improvements*

10.48 Highway works have already been secured as part of the outline planning permission:

- A sum of £50,000 towards traffic calming on Springwood Road, Thongsbridge.
- A sum of £24,750 towards the cost of New Mill junction improvements.
- A sum of £15,716.80 towards the provision of metrocards (based on 52 units).

#### *Viability*

10.49 The applicant has submitted a viability appraisal with this reserved matters application in respect of the affordable housing contribution and potential POS contribution. The applicant's appraisal concludes that providing natural stone throughout the development, or in part, would render required affordable housing and POS contributions undeliverable. The most recent submitted viability submission has been sent to the Council's appointed appraiser and is currently under consideration. A summary will be provided to Strategic Planning Committee within the committee update setting out the viability position of the scheme and how this affects the proposed materials and S106 requirements. However, such details of the viability issue are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

#### Other Issues

10.50 In respect of air quality, the application has been assessed against the West Yorkshire Low Emission Strategy Planning Guidance and emerging Policy PLP24 of the PDLP. In accordance with the guidance the installation of 1no electric charging point has been provided per unit.

## **11.0 Conclusion**

- 11.1 The principle of development concerning the reserved matters for 48 dwellings has already been established pursuant to outline planning permission 2014/93248.
- 11.2 The layout and density of the development is considered to be acceptable given the site's context. The scheme respects the rural nature of Thongsbridge and the surrounding area and in the round the house types and design are considered to reflect this. The layout provides acceptable separation to existing and new dwellings.
- 11.2 The height of the three storey dwellings to the south of the site is mitigated by the proposed site levels and as a result would sit relatively comfortably within this setting. The buildings respect the topography of the site which rises up from north to south.
- 11.3 The design and materials harmonise with the local vernacular and the amendments to the landscaping help to soften the appearance of the development and respect the semi-rural character of the area.
- 11.4 It is recommended that planning permission be granted.

### **Recommendation: Grant**

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Approved Plans
2. Materials
3. Route of drainage scheme to be agreed
4. Woodland management and Public Open Space scheme
5. Removal of Permitted Development Rights associated with the proposed dwellings closest to Cobley Green.